

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAMMAMISH HOMEOWNERS, THOMAS  
E. HORNISH AND SUZANNE J. HORNISH  
JOINT LIVING TRUST, TRACY AND  
BARBARA NEIGHBORS, ARUL  
MENEZES AND LUCRETIA  
VANDERWENDE, HEBERT MOORE AND  
ELYNNE MOORE, AND REID AND  
TERESA BROWN

Plaintiffs,

vs.

KING COUNTY, a home rule charter county,

Defendants.

PLAINTIFFS' RESPONSE TO  
DEFENDANT KING COUNTY'S  
SUBMISSION OF SUPPLEMENTAL  
AUTHORITY IN OPPOSITION TO  
SECOND EXTENSION

NOTE ON CALENDAR:  
July 31, 2015

Defendant King County filed supplemental authority purportedly relevant to Plaintiffs' pending motion for an extension of time to file an Amended Complaint on July 24, 2015 (Doc. 27). Defendant King County attached Judge Coughenour's Opinion dated July 24, 2015 in *Kaseburg v. Port of Seattle, et al.*, a case involving landowners adjacent to Lake Washington, and stated that Judge Coughenour's Order rejects "Plaintiffs' claims under the Trails Act, 16 U.S.C. § 1247(d)."

Defendant King County's statement that Judge Coughenour's Order rejects Plaintiffs'

1 claims under the Trails Act is patently false. First, the issues pertaining to the Lake Washington  
2 case are not the same issues that are relevant to this Lake Sammamish case. Second, the issues  
3 addressed by Judge Coughenour have absolutely nothing to do with the pending motion  
4 concerning an extension of time to file an amended complaint. Third, Judge Coughenour's  
5 Opinion relates to whether the original railroad easement is "preserved" by and through the  
6 Trails Act on the surface of the land, which is not really even an issue in this case, and has  
7 absolutely nothing to do with standing, fee ownership of the right-of-way, and the subsurface  
8 and aerial rights which are and will be at issue in this case once Plaintiffs are allowed to amend  
9 their Complaint.  
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11 Respectfully submitted,

12 Date: July 27, 2015

STEWART, WALD & McCULLEY

13  
14 By /s/ Thomas S. Stewart

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25 AND

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of July 2015, the foregoing was filed electronically with the Clerk of the Court to be served by the operation of the Court's electronic filing system upon all parties of record.

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/s/ Thomas S. Stewart